IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 747 of 2007

DILIP SINGH
V/S
SMT. MAGAN KANWAR & ORS.

Mr. AK RAJVANSHY, for the appellant / petitioner

Mr. GS CHAMPAWAT, for the respondent

Date of Order : 6.4.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties.

By the impugned orders, the petitioner's application for impleadment in the partition suit has been dismissed.

The facts of the case are that the plaintiff filed a suit against the defendant claiming partition of agricultural lands pleading the parties to be having half share each. In this suit the petitioner moved application for being impleaded as party claiming that he is adopted son of the plaintiff, and therefore, he is necessary party. In my view, there is no error committed by the learned courts below in rejecting the petitioner's application for being impleaded as party. However, in addition it may be clarified that it will be open to the petitioner to have it

declared from the competent Civil Court that he is adopted son of Smt. Magan Kanwar, and in the event of his so filing suit, and getting the decree obviously the consequences flowing from that decree will flow.

The writ petition is dismissed with aforesaid observations.

(N P GUPTA),J.

/sushil/